



MINUTES

Wednesday, November 4, 2015 – 7:00 P.M.

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.
An audio recording of this meeting is available in the Planning Office for review or purchase the Friday following the meeting.

ITEMS FOR COUNCIL ACTION

The following items from this Planning Commission agenda will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items:

- None

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

Chair Costa initiated the Pledge of Allegiance, and the Statement of Values was read.

2. ROLL CALL

The following Commissioners responded to roll call: Chair Deborah Costa, Raj Chahal, Yuki Ikezi, Steve Kelly, Sudhanshu Jain, Michael O'Halloran, and Joe Sweeney.

Staff present were Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, and Office Specialist IV Megan Valenzuela.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES

Chair Costa reviewed the Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

- A. Withdrawals - None
- B. Continuances without a hearing – Item 8.B. was continued to a date certain of December 9, 2015.
- C. Exceptions (requests for agenda items to be taken out of order) - None

6. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

Members of the public may briefly address the Commission on any item not on the agenda.

None

7. CONSENT CALENDAR

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes

to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

7.A. Planning Commission Minutes of October 14, 2015

Motion/Action: The Commission motioned to approve the Planning Commission Minutes of October 14, 2015, unanimously (7-0-0-0).

7.B. File No.(s): **PLN2013-10183**
Location: 4300 Great America Parkway, 1.59 acre site, located at the northwest corner of Great America Parkway and Mission College Boulevard; APN: 104-16-092, property is zoned Thoroughfare Commercial
Applicant: Iguanas Restaurant
Owner: Landmark Equities LP
Subject: **One Year review of Use Permit** allowing beer and wine service (Type 41 ABC License) in an existing restaurant
CEQA Determination: Review is not a project under CEQA
Project Planner: Jeff Schwilk, AICP, Associate Planner
Staff Recommendation: **Note and file report**

Motion/Action: The Commission motioned to note and file the report for 4300 Great America Parkway unanimously (7-0-0-0).

7.C. File No.(s): **PLN2013-09661**
Location: 3465 Homestead Road, an approximately 0.40 acre site located at the northeast corner of Homestead Road and Bing Drive, APN: 290-23-065
Applicant: Bill Hsia, Jack-in-the-Box Restaurant
Owner: George Ogino
Subject: **18-month review** of Use Permit Amendment allowing extended operating hours from 6:00 a.m. to 3:00 a.m. daily at an existing drive-thru restaurant and continuation of the extended hours for the next six months
CEQA Determination: Review is not a project under CEQA
Project Planner: Steve Le, Planning Intern II
Staff Recommendation: **Note and file report**

The Public Hearing for this item was reopened following Item 8.A. A member of the public expressed concern about noise generated by customers visiting the business at the project site. The Commission clarified that the project was noticed as an 18-month review and that no reports of noise or disturbance had been previously reported. The Commission encouraged neighboring residents of the project site to keep records of any disturbances and to report them to the Planning Division and/or the non-emergency Police line. It was further noted that this item will come back for a 24-month review.

Motion/Action: The Commission motioned to motioned to note and file the report for 3465 Homestead Road unanimously (7-0-0-0).

7.D. File No.(s): **PLN2015-10923**
Location: 3240 El Camino Real, an approximately 13,300 square foot lot, located on the south side of El Camino Real, approximately 150 feet east of Pomeroy Avenue, APN: 290-03-084
Applicant/Owner: Tong Soon Gardens
Subject: **Six-month review** of a previously approved Use Permit allowing the sale of beer, wine and distilled spirits (ABC License Type 47) in conjunction with full food service at Tong Soon Gardens Restaurant

CEQA Determination: Review is not a project under CEQA
Project Planner: Steve Le, Planning Intern II
Staff Recommendation: Note and file report

The Commission noted that the Conditions of Approval included a requirement for a bicycle rack which has not yet been installed at the project site. Staff noted the observation for Code Enforcement follow-up.

Motion/Action: The Commission motioned to continue the six-month review report for follow-up on enforcement of the bicycle rack requirement unanimously (7-0-0-0).

7.E. File No.(s): **PLN2015-10990**
Location: 2981 Mead Ave, 1.95 acre site, located at the northeast corner of Mead Avenue and Uranium Drive, APN: 216-28-091; property is zoned (ML) Light Industrial
Applicant: Nan Li for World Champions Table Tennis Academy
Owner: Mead Associates
Subject: **Six-month review** of a previously approved Use Permit allowing a private athletic training center
CEQA Determination: Review is not a project under CEQA
Project Planner: Steve Le, Planning Intern
Staff Recommendation: Note and file report

Motion/Action: The Commission motioned to note and file the report for 2981 Mead Avenue unanimously (7-0-0-0).

*******END OF CONSENT CALENDAR*******

8. PUBLIC HEARING ITEMS

8.A. File No.(s): **PLN2015-11377**
Location: 2277, 2265 El Camino Real and 1625 Los Padres Boulevard. Three parcels totaling an approximately 0.74 acre project site. The project site is located at the northeast corner of El Camino Real and Los Padres Boulevard and extends eastward along El Camino north along Los Padres approximately 130 feet in each direction APN(s): 224-15-034, 031, 017; the properties are zoned CT (Thoroughfare Commercial).
Applicant: Paul Bosman
Owner: Oakland Realty Loan Service, Inc.
Subject: **Use Permit** to allow a drive-thru proposed for a new 4,629 square foot multi-tenant commercial building.
CEQA Determination: Categorical Exemption per section 15332, In-Fill Development Projects
Project Planner: Steve Le, Planning Intern II
Staff Recommendation: Approve, subject to conditions

Notice: Notice for Item 8.A. was posted and mailed to residents within 300 feet of the project site.

Discussion: Steve Le gave a brief presentation on the item.

The Commission clarified that the Use Permit proposal under consideration is solely for the drive-thru operation and not other elements of the overall redevelopment of the project site. The Commission further clarified that the previous drive-thru location on the site had a Use Permit with no restriction on the hours of operation.

The Commission discussed the correspondence received from neighborhood residents requesting a masonry wall and landscaping as well as expressing overall concern about traffic, parking, and noise. The applicant confirmed that he is aware of the correspondence.

The applicant, Paul Bosman, gave a presentation on the project noting the proposed tenants Five Guys, UPS and Starbucks. Mr. Bosman stated that the trash enclosure is fully enclosed and includes drainage, and noted that a permeable parking surface has been discussed as part of the storm water treatment plan. Mr. Bosman added that the project was designed to include as many parking spaces as possible and that employee parking will be designated and bicycle parking will be provided.

The Commission confirmed that the palm trees will be replaced by Chinese Pistachio and Crepe Myrtle trees that will be roughly 12 feet tall.

The Commission confirmed that the applicant would be amenable to placing an eight-foot masonry wall on the site. It was also confirmed that the UPS store will not use a loading zone for its operations.

The Commission expressed concern for the design of the project site that places outdoor seating closer to the existing neighborhood and the resulting noise impacts. Staff noted that the drive-thru was positioned at the front of the site, nearest El Camino Real, to avoid the noise impacts of the drive-thru being placed on the back of the site; as such, the outdoor seating was placed on the back of the property rather than the front.

The Commission inquired if the drive-thru hours could be reduced. The applicant confirmed that a slight reduction may be possible; however, the proposed tenants would need to be consulted before making that decision.

The Public Hearing was opened.

Vivian Schultz, neighboring resident, stated that she is content with the eight-foot masonry wall and appreciates the site being redeveloped; however, there is too much congestion planned for such a small parcel. Ms. Schultz expressed concern that the drive-thru will be crowded and block traffic on major roadways, and that the parking calculations done for this project may be flawed by not properly accounting for employee parking.

Betty Devita, neighboring resident, stated that she appreciates the eight-foot masonry wall as it will help alleviate noise generated by the project.

Tom Schultz, neighboring resident, requested that the applicant consider extending the masonry wall along the eastern side of the project site.

A neighboring resident stated that parking is an issue in the neighborhood and that the renovated shopping center will cause more people to park in the neighborhood. The resident inquired if anything could be done to prevent shopping center patrons from parking in the neighborhood.

A neighboring resident requested that the tree that sits on both his property and the project site be retained. The resident expressed concern about the placement of the drive-thru as well as the lights on the project site shining into the backyards of the existing residential neighborhood.

A neighboring resident requested that the project be continue until all the issues can be thoroughly considered, including hours of operation, noise, parking, lighting, garbage, traffic, and congestion.

Kim Flores, neighboring resident, inquired if a traffic study had been completed. Ms. Flores noted that the area is already impacted by noise and traffic and requested that a traffic study be completed. Ms. Flores also requested that a permit-parking system be considered for the existing neighborhood.

David Hayne, neighboring resident, expressed appreciation for the redevelopment of the project site but stated that it could be designed better for safety and parking without a drive-thru.

James Ybarra, neighboring resident, stated that the project site's rain water runs onto his property and would like the redevelopment to address the rain runoff issues.

Denise Casey, neighboring resident, expressed appreciation for the architecture and stated concern for the safety of the project site and the drive-thru generated traffic, noise, and congestion.

A neighboring resident expressed concern for traffic as a result of the project.

The Public Hearing was closed.

The Commission discussed the project, noting the need for redevelopment of this site. The Commission expressed continued concern for the impacts the development would have on the existing neighborhood and additional concern that the applicant had not conducted an outreach meeting with the neighborhood.

In a rebuttal statement the applicant stated that he appreciates the neighborhood input and is willing to address concerns. The applicant noted that the project design is a result of staff direction. In response to specific comments made at the meeting, Mr. Bosman stated the following: a trip generation study was completed for the project, trees on the project site that are ill will be removed, lights in the parking lot and on the building will be directed down to the ground and not reflected into the residential neighborhood, there will be no lights inside the architectural tower features, and that the drive-thru tenant would be amendable to hours of operation from 5:00am to 11:00pm.

The Commission clarified that the grade separation between the project site and the residential neighbors is roughly six-inches.

The Commission confirmed that the hours of operation for the outdoor seating and the drive-thru can have separate restrictions. It was noted that the CT zoning district does not have limitations of hours of operation.

The Commission inquired if removal of the drive-thru would provide more parking. It was noted by staff and the applicant that removal of the drive-thru was not likely to result in additional parking spaces.

The Commission expressed additional concern that the project design needs work to effectively address the concerns discussed in the public hearing, including additional parking and drive-thru positioning.

The Commission discussed a motion to deny the Use Permit application. The Commission expressed concern that the applicant has done no outreach with the neighborhood and that the proposal will have significant traffic and noise impacts that need to be discussed with the neighborhood at an outreach meeting. The Commission requested that the applicant evaluate the flexibility of the drive-thru hours of operation and also look into a redesign that would accommodate additional parking spaces and/or a neighborhood permit-parking program.

The motion to deny the project was withdrawn in favor of continuing the project to allow the applicant additional time to work with the neighborhood residents.

Motion/Action: The Commission motioned to continue the Public Hearing for the Use Permit date-certain to December 9, 2015, unanimously.

8.B. File No.(s):	PLN2015-11355
Location:	5237 Stevens Creek Boulevard, a 1,801 square foot tenant space on an 8.05 Acre site, located on the northeast corner of Stevens Creek Boulevard and Lawrence Expressway, APN: 296-18-056, property is zoned PD (Planned Development)
Applicant:	Wendy Warren for Chromatic Coffee
Owner:	Dorcich-Vidovich Partnership
Subject:	Use Permit to allow beer and wine sale and service (ABC License Type

41), live entertainment, amplified music, and 12 outdoor seats for an existing coffeehouse and cafe
CEQA Determination: Categorical Exemption per section 15301, Class 1 Existing Facilities
Project Planner: Gregory Qwan, Planning Intern II
Staff Recommendation: **Continue** Public Hearing to December 9, 2015

This item was continued date-certain to December 9, 2015, under item 5.B.

8.C. File No.(s): **PLN2015-11359**
Location: 2792 El Camino Real, a 1,831 sq ft tenant space within a 9,800 sqft building located on 0.618 acre parcel. This parcel and the adjacent 13.78 acre parcel combined, is known as Moonlite Shopping Center, located on the southeast corner of El Camino Real and Kiely Boulevard, APN: 290-06-021; property is zoned CC (Community Commercial)
Applicant: Jim Yin, representative for Jin's Bakery
Owner: Moonlite Associates LLC
Subject: **Use permit** to allow beer and wine service, 18 indoor seats and 22 outdoor seats for a neighborhood bakery cafe (ABC Type 41 – on-sale beer and wine for bona fide public eating place)
CEQA Determination: Categorical Exemption per section 15301, Class 1 Existing Facilities
Project Planner: Yen Han Chen, Associate Planner
Staff Recommendation: **Approve**, subject to conditions

Notice: Notice for Item 8.C. was posted and mailed to residents within 300 feet of the project site.

Discussion: Gloria Sciara gave a brief presentation on the item.

The Commission inquired about overall redevelopment of the Moonlite Shopping Center. Staff confirmed that there is no application for redevelopment on file at this time.

The Commission inquired if the applicant would be willing to install a bicycle rack. The applicant confirmed that they would be amenable to the installation of a bicycle rack.

The Public Hearing was opened and closed with no public comments received.

Motion/Action: The Commission motioned to adopt a resolution to approve a Use Permit for the property located at 2792 El Camino Real unanimously (7-0-0-0) with the following added condition:

1. The applicant shall install a bicycle rack that meets the satisfaction of the Director of Planning and Inspection.

9. OTHER BUSINESS

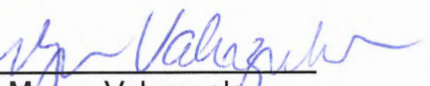
9.A. Commission Procedures and Staff Communications

- i. **Announcements/Other Items**
- ii. **Report of the Director of Planning and Inspection**
 - City Council Actions
- iii. **Commission/Board Liaison and Committee Reports**
 - Appointment of Board or Committee assignments
 - Architectural Committee
- iv. **Commission Activities**
 - Commissioner Travel and Training Reports; Requests to Attend Training
- v. **Upcoming agenda items**

10. ADJOURNMENT

The meeting adjourned at 9:12 p.m. The next regular Planning Commission meeting will be held on Wednesday, December 9, 2015, at 7:00 p.m.

Prepared by:


Megan Valenzuela
Office Specialist IV

Approved:


Kevin L. Riley
Director of Planning & Inspection

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